

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

ALLEN SHAHAN,

Plaintiff,

v.

GOLDEN STATE BRIDGE, INC.,

Defendant.

Case No. 13-cv-03594 NC

**ORDER DENYING MOTION TO
COMPEL PSYCHIATRIC EXAM OF
PLAINTIFF**

Re: Dkt. No. 39

This is a maritime personal injury case. Plaintiff Allen Shahan seeks damages for severe injuries to various parts of his body, including a brain injury he sustained when a 100 pound choker fell approximately seventy feet and struck him on the head and shoulders. Defendant Golden State Bridge moves to compel a psychiatric examination of plaintiff under Federal Rule of Civil Procedure 35(a). Dkt. No. 39.

Rule 35 provides that a court may order a party to submit to a mental examination if the party's mental condition is in controversy and there is good cause for the examination. Fed. R. Civ. P. 35(a)(1). The 'in controversy' and 'good cause' requirements of Rule 35 "are not met by mere conclusory allegations of the pleadings—nor by mere relevance to the case—but require an affirmative showing by the movant that each condition as to which the examination is sought is really and genuinely in controversy and that good cause exists for

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1 ordering each particular examination.” *Schlagenhauf v. Holder*, 379 U.S. 104, 118 (1964).

2 Here, plaintiff agreed to neurological and neuropsychological defense examinations.
3 The purpose of the neuropsychological examination was to determine “the nature and extent
4 of Plaintiff’s alleged traumatic brain injury” and to address “psychological aspects related
5 to the claim.” Dkt. No. 41 at 11. The Court finds that Golden State Bridge has not shown
6 that the proposed psychiatric examination is necessary. The motion to compel a psychiatric
7 examination of plaintiff is DENIED for lack of good cause.

8 IT IS SO ORDERED.

9 Date: September 16, 2014



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11 Nathanael M. Cousins
United States Magistrate Judge